

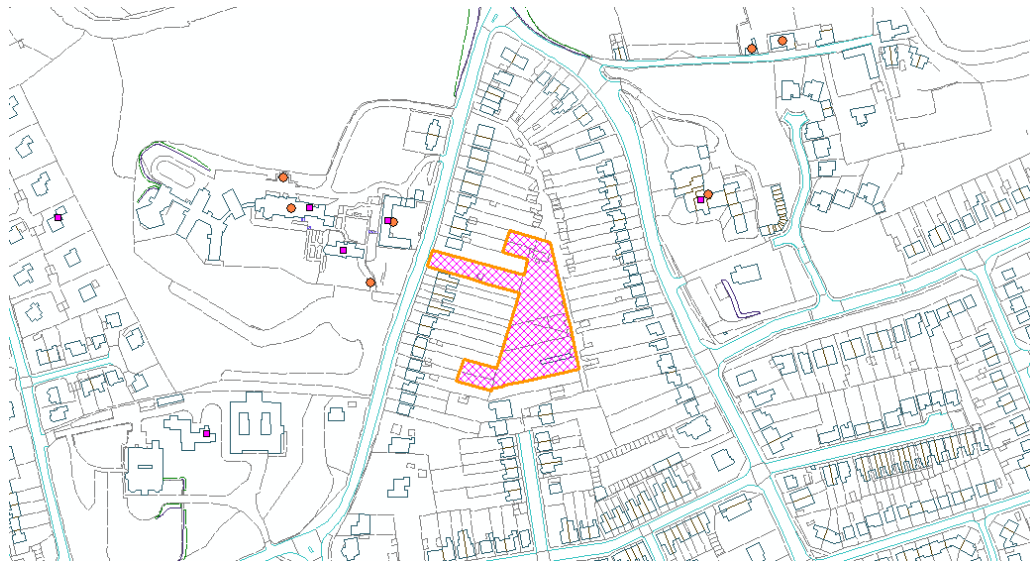
Reference: 14/00648/OUT

Date submitted: 05.08.14

Applicant: Mr and Mrs P Swift

Location: Land to the rear of 25 to 53 Ankle Hill

Proposal: Outline application for the construction of 10 dwellings to the rear of 25 and 53



Proposal :-

This application seeks outline planning permission for 10 dwellings on former orchard land to the rear of the dwellings fronting Ankle Hill. The site lies within the designated town envelope where there is a presumption in favour of development.

This is an application for outline planning permission, with detailed approval sought for access and layout only at this stage. Appearance, landscaping and scale are reserved for later approval. A single point of access from Ankle Hill will be created giving access to the development that is to be sited along a single access road presenting a mix of dwellings, including bungalows with 40% Affordable Housing.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan**
- **Impact upon the Character of the Area**
- **Impact upon residential amenities**
- **Highway Safety**

The application is required to be presented to the Committee due to the level of public interest.

History:-

No relevant history

Planning Policies:-**Melton Local Plan (saved policies):**

Policies OS1 and BE1 allow for development within Town and Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

On Specific issues it advises:**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection, subject to conditions</p> <p>The proposed access on to Ankle Hill can provide appropriate visibility splays and can be achieved within the site frontage and public highway, however parked vehicles within these splays would restrict visibility. That said Manual for Streets 2 does suggest that parking within visibility splays does not appear to create significant problems. Looking at the accident records for Ankle Hill, there have been no recorded vehicle accidents on Ankle Hill in the last 3 years as a result of any vehicle pulling out of any existing property. The proposal will be significantly better than most existing properties who are likely to have to reverse out between parked cars, as vehicles will be able to pull out in a forward gear and due to the parking restrictions on Ankle Hill will have better visibility. Therefore it would be difficult to argue that the proposal would create severe harm as there is no accident record on Ankle Hill to suggest difficulties despite the existing constraints.</p> <p>The Highways Authority have a concern that the</p>	<p>The proposed access is to be located along Ankle Hill between numbers 27 and 33 Ankle Hill. There are currently parking restrictions outside of this part of the site in the form of double yellow lines, which serve as a pull in for passing vehicles. Ankle Hill is a busy road and has on street parking along the eastern boundary. The access would still serve to provide a gap between parked cars which will allow vehicles to 'pull in' to give way to on-coming traffic.</p> <p>The Highways Authority has advised that there have been no recorded accidents along Ankle Hill and therefore remain of the opinion that it would be difficult to sustain a highway refusal based upon increase in traffic the development of ten dwellings would present.</p> <p>The Highways Authority express concerns that the proposal removes garaging for existing dwellings fronting Ankle Hill. There is a right of way along a single track accessed from ankle Hill that runs behind properties fronting ankle Hill and Burton Road. Whilst one garage will be demolished this is to be replaced within the development site adjacent to plot 10 for use by</p>

<p>proposal does appear to remove some existing off street parking/garaging for some properties on Ankle Hill, (to the rear) but as they could presumably be removed or sold off at any time, it would be difficult to sustain a highway reason to resist the application on the basis of the loss of that parking.</p>	<p>the occupiers of number 53 Ankle Hill.</p> <p>Whilst there have been genuine concerns expressed in representation in relation to an increase in traffic movements from the site. No evidence has been provided to challenge that available to the Highways Authority.</p> <p>The proposal is considered to be acceptable in transport terms and is considered to not have a detrimental impact upon Highway Safety.</p>
<p>Housing Policy Officer:</p> <p>The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The assessment found specifically within the town that there is a need for additional market housing to 2011, there is a local surplus of larger family homes with additional 3 bedroom properties being particularly required to rebalance the existing stock. There is also a need for smaller sized dwellings such as 2 bedroom houses and accommodation suitable to meet the needs of older people. There are limited opportunities for new housing development in the rural settlements in the borough and therefore new residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The application proposes 10 residential properties on land to the rear of properties fronting Ankle Hill. The application seeks to provide 40% affordable housing and a mix of 2 and 3 bedroom properties, including bungalows.</p> <p>The Leicester and Leicestershire Strategic</p>	<p>The proposal seeks consent for 10 dwellings with a mix comprising of 2, 3, and 4 bedroom dwellings, in the style of bungalows, detached and semi-detached properties. The design and appearance of the dwellings is something requiring further considerations at the reserved matters application and a condition can be imposed to ensure that the mix takes account the local housing needs.</p> <p>There is a requirement that the scheme provides 40% Affordable Housing on site. Questions in relation to the deliverability of the Affordable Housing have been raised given that there is no Registered Provider committed to the proposal and in light that grant funding is scarce. However the applicant has agreed to this requirement, which is a benefit of the scheme and therefore no case on viability grounds has been put forward. Therefore subject to a Registered Provider's involvement there are no reasons why the affordable housing cannot be delivered. Whilst there have been no firm agreement from a Registered Provider preliminary discussions have taken place and subject to planning permission being granted an interest has been shown.</p>

<p>Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>The application proposes 3 no. two bed bungalows, 2 no. two bed detached dwellings, 3 no. three bed detached dwellings and 2 no. four bed detached dwellings which provides a good mix and broadly meets the councils assessed needs for the town.</p> <p>The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough</p> <p>From a housing policy perspective this application is supported because it seeks to meet the policy requirement of 40% affordable housing and offer a suitable mix of property types, although this aspect will be more formally agreed at the reserved matters stage. Should the application be approved, a Section 106 agreement will be required to secure the affordable housing as such and in perpetuity.</p>	<p>The proposed level of affordable housing is considered to meet the development plan (40%). The details of size and tenure would be agreed. The applicant has had preliminary discussions with a Registered Provider who has shown an interest in the site.</p>
<p>Severn Trent Water authority: No objections subject to conditions requiring further submission in relation to the disposal of surface water and foul sewage.</p>	<p>Noted.</p>
<p>LCC Ecology: No objection</p> <p>The ecology report submitted in support of the application (CBE Consulting, June 2014) indicates that there is a low likelihood of any protected species being present on site. However, the report mentions that there is a pond on site and states that ‘no indication of great crested newt was seen’. It is unclear if the pond has been subject to a standard Habitat Suitability Index assessment (see attached GCN Protocol). It is likely that the ecologist has sufficient information from the survey to be able to apply this set of criteria retrospectively and be able to make an assessment</p>	<p>The query in relation to the suitability of the pond for habitation by Great Crested Newts (GCN) has been answered and it has been confirmed that the pond is small in nature and used as an ornamental garden pond therefore not suitable habitat for GCN.</p> <p>The application has been independently reviewed and no objections have been received in regards to the surveys submitted.</p>

of the likelihood of GCN being present.	
<p>LCC Developer Contributions-</p> <p>Waste - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.</p> <p>The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £827 (rounded to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities located within Melton Mowbray. The increased need would not exist but for the proposed development.</p> <p>Libraries – The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Ankle Hill, Melton Mowbray is within 1km of Melton Library, Wilton Road being the nearest local library facility which would serve the development site. The library facilities contribution would be £590 (rounded to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to purchase additional library materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to mitigate the impacts of the proposed development.</p> <p>Education- The site falls within the catchment area of Swallowdale Primary School. The School has a net capacity of 364 and 379 pupils are projected on the roll should this development proceed; a deficit of 15 places (of which 12 are existing and 3 are created by this development). There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be discounted.</p> <p>There are 4 other primary schools within a two mile walking distance of the development.</p> <p>St Mary's CE Primary School Surplus 26 Brownlow Primary School Deficit 22 The Grove Primary School Surplus 10 Sherard Primary School Deficit 5</p>	<p>Noted – If the development is considered acceptable a Section 106 Agreement to secure developer contributions would be needed.</p> <p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</p> <p>The applicant has agreed to these payments.</p> <p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the payments satisfy these criteria and are appropriate for inclusion in a s106 agreement.</p>

<p>The overall deficit including all schools within a two mile walking distance of the development is 6 pupil places. There are no pupil places to be discounted that are being funded from S106 agreements for other developments in the area. The 3 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 3 pupil places in the primary sector is justified.</p> <p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £29,037.62.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Swallowdale Primary School.</p> <p>The contribution would be spent within five years of receipt of final payment</p> <p>LCC Highways: No requirements</p> <p>Ecology, Landscape: No requirements</p>	
--	--

Representations:

Site notices were posted and neighbouring properties consulted. As a result **23 letters of objection have been received from 23 separate households** the representations are detailed below. Following amended plans showing a revised access **15** further objection has been received advising that the original objection still stands.

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety:</p> <p>There would be additional traffic impacts on Ankle Hill an already busy route.</p> <p>Already experience difficulties turning right out of ‘the lane’ in peak times due to traffic queuing to get out onto Burton Road. Adding more cars will make this situation much worse.</p> <p>Ankle Hill/Burton Road junction already can not cope with the traffic with tail backs occurring. The redevelopment of the War Memorial site will add two new junctions and this will add a third. The road cannot cope with more.</p> <p>Ankle Hill is already reduced to a single carriageway with parked cars along one side. More traffic will add to safety issues.</p> <p>8 additional cars will add more congestion to</p>	<p>Please see Highway Response above.</p> <p>Residents are concerned that the proposal when added to the consented scheme at the former War Memorial Hospital site will exacerbate the current problems along Ankle Hill. Ankle Hill is a popular transport route used to get from Dalby Road to the town and vice versa. There are no parking restrictions on Ankle Hill and any many of the existing dwellings have no off street parking. Parking along the highway reduces Ankle Hill to a single carriage way at certain points and can increase the queuing time at both Burton Road and Dalby Road junctions.</p> <p>The Highways Authority have not objected to the proposal for additional 10 dwellings as it is not considered that the proposal would have an adverse impact upon highway safety and given that there has been no recorded accidents in the vicinity it is not considered to create any additional dangers. It is considered that the creation of a junction; to serve the dwellings, will</p>

<p>Ankle Hill.</p> <p>Double yellow lines were put in place last year at the proposed point of entrance to the site to assist with pulling in when travelling up the lane. Removing this facility will add to traffic problems.</p> <p>In adequate parking within the site will lead to further parking issues on ankle Hill, particular from visitors.</p>	<p>provide a pull in area for cars travelling up the hill to allow vehicles to pass. This area has double yellow lines which help ease the problems encountered at present and the junction will maintain this 'pull in' facility, fulfilling the same role.</p> <p>Within the site each dwelling has sufficient parking to serve the residents.</p> <p>The Highways Authority are satisfied that the creation of additional 10 dwellings in this location would not cause severe harm to highway users and have no objections.</p>
<p>Impact upon the Character of the area.</p> <p>Density is too high and out of keeping with the large spacious plots of the existing properties.</p> <p>It amounts to over development of a site which is characterised by its spacious plots.</p> <p>2½ storey high dwellings is not in character with the area.</p> <p>The orchard offers a tranquil area in a built up area. Development will reduce the open character to the rear of the dwellings.</p> <p>The proposed modern buildings are not in keeping with the character of the area.</p> <p>The existing properties benefit from long rear gardens given a spacious feel. The proposal is large dwellings on small plots which is not in keeping with the character of this part of the town.</p> <p>Increase in housing developments at Craven Lodge and Wyndham Lodge has already reduced the amount of open green space available. This will reduce it further.</p> <p>The additional information seeks to show that the density of the area will not be harmed however the structures identified are garages of low height and not the two storey dwellings as proposed....this map is misleading.</p> <p>The proposal will be incongruous with the rest of the surroundings where the garden to built form ratio is a lot higher for the existing dwellings than the proposed.</p>	<p>The land is currently in use as residential garden land to number 53 and in part 23 and 25 Ankle Hill (same family) and historically has been undeveloped with the exceptions of small outbuildings and garden sheds. The site does provide an area of green space in what is a built up area close to the town but not as public land. The existing dwellings that surround the site are characterised by long rear gardens with the dwellings of two storey proportions.</p> <p>The proposal seeks consent for outline approval for the access and layout only with the details of design for later approval should consent be granted. The 10 plots are smaller than the surrounding area but due to the back land position will be barely visible from any public vantage point. The Council has no space standards and density requirements have been removed from national policy however policy OS1 and BE1 seeks to ensure that development does not have any adverse impact upon the character of the area and seeks to ensure that adequate access and parking requirements can be provided, whilst protecting existing residential amenities.</p> <p>The layout shows that ten dwellings can be accommodated on the site and each served by 2 parking spaces, including garages. Whilst the plot sizes are small each dwelling has a small amenity area to serve the residents.</p> <p>The character plan has been submitted as additional information and seeks to show that the footprint of buildings; proposed and existing are of similar proportions. The existing dwellings are side by side as would the proposed dwellings being with limited space between them.</p> <p>It is considered that subject to design and scale of the dwellings the proposal, in this location, would not adversely affect the character of the area. It would assist in providing additional housing in a sustainable location, close to the town and provide housing for the borough of a</p>

	type that is required, including affordable housing.
<p>Impact upon residential outlook/amenity</p> <p>Plots 7 and 8 are the highest dwellings situated on the highest point and will therefore create overlooking.</p> <p>Plot 10 is likely to cause overlooking/loss of privacy to no. 53 Ankle Hill. There is a quiet seating area in the garden which is intended to be used.</p> <p>Plot 7 and 8 are tall dwellings which will have an advantage point to cause overlooking.</p> <p>Plots 1 and 2 although they are bungalows will still overlook 21 Ankle Hill.</p> <p>Development on the orchard will reduce the existing residents' peaceful enjoyment of their gardens.</p> <p>Security concerns through opening up development to the rear of properties off Ankle Hill. The new road layout will give a quick easy escape route for intruders.</p> <p>The access appears to be including part of my garden and so does plot 2 this is unacceptable.</p>	<p>The application is in outline form with matters relating to scale and design reserved for further planning application and consideration. Any potential overlooking can be designed out however given the long rear gardens adequate separation can be provided to prevent any overlooking issues.</p> <p>Inevitably development on the site would introduce a use that currently does not exist. However the site, whilst open space is not useable by the public and remains in private use. The long rear gardens of the existing dwellings would ensure that the residential amenity is not reduced to an unacceptable level.</p> <p>Development can only take place within land the developer owns should consent not be granted by any adjoining landowner.</p>
<p>Drainage</p> <p>There are already drainage issues for dwellings sitting within the dip of Ankle Hill. This proposal will add to those problems through development of a green field site.</p> <p>During heavy rainfalls water collects at the bottom of the lane, will this proposal add to this problem?</p> <p>Flooding in gardens lower down the hill is not uncommon and in heavy rainfalls gardens have standing water.</p> <p>The lane acts as a canal in heavy rain which collects at the bottom of Ankle Hill this is a serious concern.</p> <p>Removing green field and replacing with tarmac will alter the surface water run off...has any flood risk assessments taken place to demonstrate that it will be safe for its lifetime?</p> <p>At the very least a flood report should be carried out.</p> <p>The additional information submitted to address the drainage issues are merely cosmetic and will not improve the current situation.</p>	<p>The site is considered to be a greenfield site with a topography that slopes from south to north and east to west to a degree. Therefore surface water run off is natural drained to the lowest point which could be contributing to the localised flooding issues the residents are referring to.</p> <p>The site does not fall within any known flood zone as advised by the Environment Agency and is below the thresholds for requiring Flood Risk Assessments to be submitted. In responding to the concerns of the residents further information was submitted to address how surface water run off will be addressed within the proposal. It is suggested that hard landscaping will be in the form of porous paving and water storage and collection can be accommodated within the scheme. As the site is a greenfield site any redevelopment has to ensure that surface water run off will be no greater than the existing run off. As there are known problems in the area the introduction of a Sustainable Urban Drainage System (SuDs) on site could help to address the problems encountered, but would not exacerbate the existing drainage issues. The scheme is outline and a SuDs scheme can be conditioned to ensure that suitable mitigation can be accommodated on site.</p>

<p>Water butts and water storage will still not address flooding issues on the site</p> <p>The use of block paving and water butts have not been proven to improve flood risk over the medium term.</p> <p>Filling in the natural pond will remove natural drainage on the site.</p>	<p>The pond on site is an ornamental pond of 2metre by 1 metre dimensions and not part of any drainage system on site.</p>
<p>Planning Policy:</p> <p>This proposal appears to be garden grabbing which is against policy.</p> <p>Green sites do not have a priority over brownfield sites.</p> <p>The proposal would be contrary to PPS1 in</p>	<p>The site lies within the Town Envelope where there is a presumption in favour of development and is an extremely sustainable location given the close location to the town centre and the provision of services available,</p> <p>There is no presumption in favour of developing greenfield sites over brownfield sites. The NPPF core principles encourage the effective use of land by reusing land that has been previously developed of which this site is not. However there are insufficient brownfield sites available to meet demand and it is appropriate to develop some greenfield sites. In particular where it can be demonstrated not to be a sustainable location and not have an adverse impact upon the character and locality of an area.</p> <p>The NPPF is founded upon a presumption in favour of sustainable development which in relation to decision making means approving proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework indicate development should be restricted.</p> <p>As summarised above (pages 2-4) the NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% 'headroom'. Melton's most recent analysis concluded that this is not being met and the available supply is significantly below 5 years. There have been no recent challenges to this position. The NPPF further advises that housing policies should not be considered up to date if a 5 year supply cannot be demonstrated. This is in addition to its more general approach (at para. 14) that where a local plan is out of date permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits, judged by the content of NPPF.</p> <p>The PPS's have been replaced by the National</p>

<p>protecting the character of the area and PSS3 in providing good design that enhances and improves character of areas</p> <p>Poor design should be refused that fails to improve the character and quality of the area and the way it functions.</p>	<p>Planning Policy Framework (NPPF). The NPPF seeks to significantly boost housing supply where any harms identified can be successfully mitigated against.</p> <p>The application is for outline consent seeking approval of the access and layout only. Matters relating to design will require further approval.</p>
<p>Wildlife</p> <p>Removal of mature trees and green land will have an impact upon wildlife in the area.</p>	<p>An ecological survey has been submitted with the application. No objection has been received from County Ecology</p>
<p>Other Matters:</p> <p>‘The lane’ is maintained by all the surrounding properties, each responsible up to the middle of the lane. The hedge of the application site overhangs the lane and is not maintained enough causing damage to vehicles. How would this be managed if each owner had no access to the lane would they still be responsible for maintenance of the hedge and ‘the lane’? Legal assurances would be required.</p> <p>Concerns in regards to the upkeep of the lane if divided into separate plots along the boundary of the lane which at the moment is under one ownership.</p> <p>If approved access to the properties from ‘the lane’ should be condition so that none can be created.</p> <p>If any accesses are created of ‘the lane’ it will present security risks to the residents.</p> <p>Should approval be granted no construction traffic should have access from the lane</p> <p>The hedge should be replaced with a brick wall to secure the properties and removing maintenance issues.</p> <p>There is a covenant on the land behind number 55 which prohibits buildings.</p> <p>There are conditions on the covenant to the properties fronting Ankle Hill that state “..not to erect or do anything on the said land which shall in the opinion of the Vendor or his successors in title be a nuisance or eyesore to other Purchasers of the said Estate’</p> <p>Loss of value to existing properties.</p> <p>The construction traffic will cause disturbance to residents. If approved please ensure that they</p>	<p>Noted. The lane is an un-adopted highway that gives access to parking areas to the rear of properties fronting Burton Road and Ankle Hill, each having a right of way.</p> <p>The matter in regards to maintenance relates to a civil issues which is not part of the planning process as no access from The Lane is proposed and the lane is not included within the application site. In the interest of highway safety, given the access from the lane is sub-standard, a condition can be imposed preventing accesses from being created off it.</p> <p>Details of boundary treatment and landscape will be submitted with the reserved matters application.</p> <p>Matters relating to the covenant are not planning considerations as they relate to civil matters. Adjacent to plot 10, behind number 55, a garage to serve the occupants of number 53 is proposed.</p> <p>Planning serves to protect the public interest and not a private individuals interest therefore loss of value is not a material consideration.</p> <p>Noted. This is an industry endorsed scheme that is not regulated by the Council.</p>

comply with 'Considerate Contractor' and limit times and days of operations.	
The developers have failed to take any public consultation with the whole community.	There is no requirement for the developer to undertake a public consultation as it is below the thresholds to require one. As part of the determination of the application public consultation has been undertaken and twenty three residents have responded outlining their objections which have been taken into account and address through this report.

Conclusion

It is considered that the application to build ten dwellings on a former greenfield site is acceptable given that no adverse impacts have been identified and adequate access and parking can be accommodated. The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links.

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Ankle Hill sits within close proximity to the town and is considered to be a highly sustainable location and adequate access and parking provisions can be provided and maintained to the satisfaction of the Highways Authority. It is considered that these facts are a material consideration of **significant weight in favour** of the application.

It is considered that balanced against these positive elements are the site specific concerns raised in representations, particularly the development of the site from its undeveloped state behind existing residential dwellings and impact on the character of the area.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a greenfield site – is considered to be of limited harm in this location due to the unique characteristic of the site and potential for sympathetic design and careful landscaping. Accordingly the application is considered to comply with the development plan and is recommended for approval.

Recommendation: PERMIT, subject to:

- (a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
- (i) Contribution for the improvement to civic amenity sites.
 - (ii) Contribution for the improvement to library facilities.
 - (iii) Contribution to education facilities.
 - (iv) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

The following conditions to include:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "external appearance of the building(s), scale and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

3. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No access points, vehicle or pedestrian is to be provided on to the private lane to the east of the site.
7. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority to comply with sustainable urban drainage techniques.

The scheme shall include the limitation of surface water run-off to equivalent greenfield rates; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open outwards.
10. No walls, planting or fences shall be erected or allowed to grow on or within 2.0 metres of the highway boundary (back of footway) exceeding 0.6 metres in height above the level of the adjacent carriageway, any existing such obstruction shall be permanently removed before development commences.
11. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
12. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
13. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

14. Before first occupation of the development hereby permitted, a shared turning facility shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
15. Before first occupation of any dwelling, the shared access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
16. The shared private drive serving the site shall have a minimum width of 5.0 metres with 0.5 metre wide clear margins for at least the first 10 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. In the interest of highway safety
7. To ensure that appropriate measures are in place to positively drain the site in the interest of surface water management.
8. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
9. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
10. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
11. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
12. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
13. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
14. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
15. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
16. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Officer to contact: **Mrs D Knipe**

Date: 16 November 2014